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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,091	04/20/2004	John C. Eidson	10040199-1	6015

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2457

MAIL DATE	DELIVERY MODE
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11/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,091	<b>Applicant(s)</b> EIDSON ET AL.	
	<b>Examiner</b> LASHONDA T. JACOBS	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to Applicants' amendment filed on July 3, 2008.

Claims **1-8**, **10-16** and **18-22** are presented for examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-8**, **10-16** and **18-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Vandermeijden (U.S. Pat. No. 6,804,524).

As per claim **1**, **10** and **18**, Vandermeijden discloses a measurement/control system, method and distributed device comprising:

- configuration data source that provides a set of configuration data that specifies a measurement/control function (col. 3, lines 53-67, col. 4, lines 1-19, Vandermeijden discloses a traffic server storing configuration data for the mobile devices); and
- a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices (col. 3,

lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic server and determining if any stale data is stored in the database).

As per claim **2**, Vandermeijden discloses:

- wherein the configuration data source includes a source kiosk that obtains the configuration data from an application server (col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **3**, Vandermeijden discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **4**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk ( col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **5**, Vandermeijden discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **6**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **7**, Vandermeijden discloses:

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- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **8**, Vandermeijden discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19;).

As per claim **11**, Vandermeijden discloses:

- wherein the step of providing includes the step of obtaining the configuration data from an application server (col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim **12**, Vandermeijden discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim **13**, Vandermeijden discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim **14**, Vandermeijden discloses:

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- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **15**, Vandermeijden discloses:

- wherein the step of diffusing includes the step of forming a communication channel with a kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **16**, Vandermeijden discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel with the kiosk in response to a physical proximity of the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **19**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel to the other distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **20**, Vandermeijden discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **21**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel to a kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **22**, Vandermeijden discloses:

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- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity of the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims **1-8, 10-16** and **18-22** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/  
Examiner, Art Unit 2157

ltj  
October 28, 2008